

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

May 23, 2005

5:00 PM

Chairman Forest called the meeting to order.

The Clerk called the roll.

Present: Aldermen Forest, Porter, Lopez

Absent: Aldermen Gatsas, Osborne

Appeal of the denial of a taxi driver's license.

Alderman Porter moved to enter into non-public session under the provisions of RSA 91-A:3 II(c). Alderman Lopez duly seconded the motion. By roll call vote it was voted by the members of the Committee to enter into non-public session. As a result of discussion held by those present, it was the consensus of the Committee members present that Mr. Aponte be given a probationary license.

On motion of Alderman Lopez, duly seconded by Alderman Porter it was voted to exit non-public session.

Deputy Clerk Normand stated that no business other than the appeal of the denial of Mr. Aponte's taxicab license was discussed in non-public session.

Ordinance regarding smoking at West Little League in Cullerot Park and other city parks submitted by Alderman Forest.

Chairman Forest stated I will give you some background on this. The Board of Directors three or four months ago asked me as Alderman in the ward if I could come up with some kind of an ordinance to stop people who come to the park from smoking because of the kids. I conferred with Tom Clark of the Solicitor's Office and he recommended the ordinance that is attached. One other recommendation that he made was that instead of having Parks & Recreation or these leagues come to the Board of Aldermen every time they want something like that that we give the Parks & Recreation Commission the authority to grant other parks the same designation.

Alderman Porter moved the item for discussion. Alderman Lopez duly seconded the motion.

Alderman Porter stated I guess I would like to have a little bit of a definition of what area is controlled...I know that in some little league parks there are parking lots and parking around the field. Can somebody not go in their car and have a cigar or cigarette?

Chairman Forest stated I would have to defer to Deputy Solicitor Arnold but I don't think if they are in their vehicle that this would apply.

Alderman Porter asked well even standing outside their vehicle. I guess the question is...I certainly can understand immediately adjacent to the ballfield, the stands, the clubhouse and the dugouts where the players and the people attending games are likely to be found but I think I have seen a number of instances where somebody will have a lawn chair and sit quite a distance away and still be able to watch the game and if they so desire to smoke then I think they should be able to do that. Now if Parks & Recreation can designate "no smoking" areas would it also be reasonable to assume that they can designate a "smoking" area at this ballpark or any of the ballparks and I guess leave it up to their discretion.

Chairman Forest stated I believe they could. I am not sure but I believe they could. I think mainly what West Little League wants and I believe there are other leagues in the City – North, South and East have league rules about smoking in the area. I think mainly what they want...I mean most responsible adults are going to get away from the fences and the area where the youngsters are playing. I think what they want is if they do have problems with someone that they could call the Police and then the Police would have some teeth to remove these people. I think they just want them out of view of the youngsters, the young girls and boys who play little league at 10 and 11 years old. They don't need adults standing along the fence smoking cigarettes and then we as adults tell them they can't smoke.

Alderman Lopez stated I do have a problem with this. Mr. Arnold, is it customary that we make ordinances for one section of the City and not the others?

Deputy Solicitor Arnold responded I know that we have done ordinances for certain sections in the past. I do not recall them off the top of my head. It is probably more common that the ordinance gives the power to cover any park or jurisdiction to Parks & Recreation or Highway or whatever the case may be.

Alderman Lopez stated the other problem I have is are we chasing parents away from going to little league and enjoying the games. I know at East Little League they sit up on the bank and smoke. There is no smoking in the stands or in the

clubhouse. I am just wondering if we are discouraging people to go. Are we becoming too Gestapo like in making this broad and saying there is no smoking at this little league park or that little league park when we allow it at Gill Stadium? Even though there is an ordinance people can leave the stands and smoke. I am just throwing that out. What are we doing here? I think the problem I have with it is are we going to be creating more of a problem for somebody who is smoking as Alderman Porter mentioned...let's say he is out in the left field fence line watching the game and having a cigarette. The guy doesn't want to leave but just wants to watch his son so he is having a cigarette and we call the police and they wait and the game is all over with and he goes home. What penalty are you going to give that individual? Are we creating a lot of legal work for a lot of people? I am just wondering if this is the right direction to go in. I don't mind the stands because I sit in the stands. I don't mind the clubhouse but out in the open is a problem.

Deputy Solicitor Arnold stated if it is the desire of the Committee I could draft this ordinance so that it is more restrictive by designating areas that they control. It has pros and cons. I guess the pro is that it certainly specifies the area and the con is that it robs West Little League of some control but we could certainly go in that direction if it is the preference of the Committee.

Alderman Lopez asked Mr. Chairman do you think it would be proper for us to notify all of the little leagues, well not just little league but it is Pony league and maybe have a meeting at Parks & Recreation of something like that to see if this is an isolated problem, which I doubt very seriously but can we get an opinion from other people to see if we want to create such an ordinance. Would that be beneficial?

Chairman Forest answered I have no problem with that if that is what this Committee wants. I just did not want to force other parks in the City to do this if they don't want it. That is the main reason why Tom Clark and I suggested that we give some control to the Parks & Recreation Commission so that if every league applies they don't have to go through what we are doing here for this one league. I mean we have to start somewhere. If this is the request of the Committee I have no problem talking to other league presidents or other leagues to see if they go along with it. Honestly, I want to say they will because I think all of the youth leagues in this City, whether it be baseball or softball or little league or softball I think most of the Board of Directors and most of the people whether they are smokers or not, that is a leading complaint to the Board of Directors that people are smoking in and around the youngsters that are playing ball. I think we need something to control that.

Alderman Porter stated this should on the surface appear to be a very simple issue, however, I think when you think about it we certainly don't want to be the smoking police. There are people who smoke. It is legal to smoke. Obviously the private establishment can just shut it down like a restaurant but perhaps a certain distance from the fence or from the ballpark. I don't know what the magic number would be – 30 feet, 40 feet, 50 feet but I think a little bit of discretion should be used because my concern is that somebody could be parked quite a distance from the actual ballfield and yet that is controlled by the little league park. I think it would be a shame to have somebody who is really not bothering anybody by smoking other than the fact...with some people it bothers them just to see other people smoking. I guess I would like to see a little bit of judgement here.

Chairman Forest stated I can tell you there is a unique situation at West Little League, which really if you go about and start measuring there is a drug free zone there because there is a school there and actually the little league park would encompass that drug free zone because it is less than 250' away from the school. If push comes to shove the Board of Directors could always ask that the police enforce the drug free zone. I don't know if I want to go there but whatever the recommendation of this Committee is I think the Board of Directors will understand and I think maybe we ought to do some research on it.

Alderman Porter moved to refer the ordinance to the Parks & Recreation Commission for discussion.

Chairman Forest stated I was hoping...I called Chuck DePrima Friday. I know he was busy and he said he would try to make this meeting. I know he is not here. The Parks & Recreation Commission has not voted on this yet. They are bringing this up at their next meeting. If that is what you want, we can send them a letter and see where they go from there.

Alderman Lopez stated I agree with Alderman Porter but I would like to see Parks & Recreation contact the little league representatives and have each one represented at a meeting to discuss this. I have no problem with no smoking in the stands or the buildings themselves. I think people have a misinterpretation sometimes...the little leagues belong to the City...

Chairman Forest interjected well the ballparks do but little league belongs to Williamsport.

Alderman Lopez stated well the ballparks belong to the City and while the premise is controlled by any league, the City still has the option of stepping in and it belongs to the City. I would like to get a general consensus among people who are involved in little league and I have been involved for a number of years at

Southwest Little League. I agree with what you said. Some leagues say no smoking here and everybody abides by it. If somebody is in the parking lot or by the canteen area having a cigarette I don't know if we are going to create more of a problem than we are asking for. I think most people get mad when somebody is in the stands smoking and they get smoke in their face. I totally agree with that. There should be no smoking in the stands and in the clubhouse where people are. I am just wondering about open space. That is my problem.

Chairman Forest stated one suggestion that I can make and even if we pass it tonight it wouldn't go to the Board until July and it probably wouldn't go into effect until August and by then the season is over anyway so we have plenty of time if the Committee wants to maybe send letters out or have Ron Ludwig send letters out to the little league presidents or Board of Directors and come up with a date where we can all meet somewhere – here or wherever and get their consensus and do something for their season next year to get this resolved.

Alderman Lopez stated I think that is a very good suggestion and Parks & Recreation or the City Clerk can write a letter to the little league presidents to appear before this Committee and give us some input and some dialogue along that line with Parks & Recreation so that when we do this ordinance we are doing it with consensus of the people who are working at the little league parks. In the end they might say the whole park and then the question becomes do we want to do the whole park.

Deputy Clerk Normand asked do you also want this sent to the Parks & Recreation Commission and have them report back to this Committee.

Chairman Forest answered I would also like the letter sent to the Parks & Recreation Commission. We can notify them of our recommendation so they can be involved in this.

Deputy Clerk Normand asked you want league representatives back here also.

Chairman Forest responded why don't we let Alderman Lopez explain what he wants.

Alderman Lopez moved to have the City Clerk notify the Parks & Recreation Department of the concerns and to have the president or representative of each little league appear before this Committee at a convenient date and also send them a copy of the draft ordinance. Alderman Porter duly seconded the motion. Chairman Forest called for a vote. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Lopez, duly seconded by Alderman Porter it was voted to adjourn.

A True Record. Attest.

Clerk of Committee